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JUSTICE THROUGH DOMESTIC VIOLENCE LEGISLATION: IMPROVING THE IMPLEMENTATION OF TURKEY'S LAW 4320 ON THE PROTECTION OF THE FAMILY

Barbara L. Rodriguez

As a country that embodies the union of Islamic and Western values, Turkey plays a unique role with regard to women's rights and domestic violence. This article analyzes the state of gender and domestic violence in Turkey, and the extent to which Law 4320 on the 'Protection of the Family' has been effectively implemented as a means of protecting survivors of domestic violence. The article proposes five policy recommendations to deal with the challenges Turkey has encountered in implementing Law 4320. Thus, in addition to advancing Turkey's response to domestic violence, these recommendations aim to be guidelines for other countries as they enact and implement their own legislation.

INTRODUCTION

As a nation that responds to the pull of diverging ideologies, Turkey exemplifies how such pulls can impact the structure of society and its governing laws. Turkey's unique position on the brink of dualities—Islam and the West—has resulted in conflicting views on various issues including gender

Barbara L. Rodriguez is a Masters Candidate at The Fletcher School of Law and Diplomacy, Tufts University.

roles within the country. Exploring the choices Turkey has made to bridge these conflicting perspectives can shed light on how other countries might similarly incorporate new perspectives into their national legislation amidst nationalist, religious, and cultural resistance. Debates over gender roles in society have historically shaped discussions of Islam owing to the strong positions of the latter on the former. For this reason, the role of women has often served as the focal point for distinguishing between “modern” and “traditional” Islamic societies, making Turkey’s shaping of legislation on women’s rights particularly relevant.

With the aim of presenting a comprehensive and useful analysis of how women’s rights legislation can be incorporated in a predominantly Muslim country, this article focuses on Turkey’s experiences with legislation that is arguably at odds with some Muslim tenets. This article’s five sections seek to contextualize and analyze domestic violence in Turkey while identifying ways in which the lessons learned through Turkey’s experience can be applied elsewhere. The first part examines the debates on gender and domestic violence¹ in the contexts of Islam and Turkey. The second part discusses Turkey’s Law 4320 on the Protection of the Family. Next, the article critiques current implementation of Law 4320 and identifies benefits of improved implementation. In the fourth section, policy recommendations are provided for improving such implementation. The fifth and final section concludes with reflections on how Turkey’s experience can help other countries grappling with the enactment of similar laws.

GENDER AND DOMESTIC VIOLENCE IN CONTEXT

Islam and Gender

Ongoing debates regarding the relationship between gender and Islam both support and refute the notion that gender equality can exist in Muslim societies. Evidence to support each claim comes from theory, Qur’anic interpretations, *Shari’a* law (Islamic law), and the practical reality of women and men’s daily lives. The debates reflect the complexity of the question as well as the diversity of thought within Islam. Indeed, to avoid gross simplification, one must acknowledge the myriad often-contradictory views on gender maintained by this single largest religious domination, which encompasses 19.2 percent of the world’s population (Owen 2008).

The ways in which gender and Islam co-exist in practice, however, pose fewer opportunities for discord. Inequality between men and women is common in Muslim societies, as in virtually every society. This inequality manifests itself through political, economic, social, and cultural factors in both public and private spheres of life. In the public sphere, women in

Muslim countries are found in fewer positions of leadership than men, they earn less, and they have less access to education. In the private sphere, women in Muslim countries are often subordinate to their male relatives, they have minimal decision-making power within their families, and they must abide by stricter moral standards than men.

Islam and Domestic Violence

A clear example of how this inequality is manifested within the home is the pervasiveness of domestic violence in Muslim societies. It is important to note that a high prevalence of domestic violence is not unique to Muslim societies.² Across all countries, an estimated one in three women has been physically or sexually abused, usually by a member of her family (AI 2004, 7). Many characteristics of this abuse are shared across countries, such as the use of physical, psychological, and economic manipulation to maintain power and control over women. One contributing factor to this situation is the high level of acceptance, by men as well as women, of domestic violence as a self-evident fact of a woman's life. Many studies suggest that in Arab and Islamic countries "wife-battering is widely justified" (Douki 2003, 166). Some factors seen as justifying domestic violence include: "the wife's misbehavior, the conditions of the husband's daily life, and the religious commandment" (Douki 2003, 167). Arab and Islamic governments can reinforce this perception by failing to recognize domestic violence as a major concern despite the rise in occurrence of domestic violence, increased international attention to the issue, and the harmful consequences at all levels of society (Douki 2003, 165).

The *Qur'an*, understood by Muslims to be the revelation of God (Hajjar 2006, 10), informs societal expectations of men and women. Many verses are interpreted to mandate a subservient role for women. Within these interpretations of gender roles are diverging opinions of domestic violence and how power and control should be wielded within a family. Qur'anic Verse 4:34 has incited particularly controversial debates regarding its implications for domestic violence:

Men are superior to women on account of the qualities with which God hath gifted the one above the other, and on account of the outlay they make from their substance for them. Virtuous women are obedient, careful, during the husband's absence, because God hath of them been careful. But chide them into beds apart, and scourge them: but if they are obedient to you, then seek not occasion against them: verily, God is High, Great (Rodwell 1909)!

Illustrating the complexity of this verse, Nawal H. Ammar identifies four existing schools of interpretations. The first school of interpretation of Verse 4:34 “sees wife beating as permissible if a wife does not obey her husband;” the second “understands Islam as permitting wife beating but with conditions of consideration for her safety;” the third sees the verse as “acknowledging exceptions when wife beating is allowed because it is generally unacceptable;” and the fourth claims that the verse “has been misunderstood and does not even refer to beating when using the Arabic word *idribubunna*” (Ammar 2007, 518). The various understandings of this critical verse echo the complexity of Islam and the challenges of working within the Qur’anic framework to challenge prevalent views on domestic violence.

These interpretations notwithstanding, many people refute that any verses of the Qur’an or revelatory texts of the *hadith*—sayings of the Prophet Muhammad—should bear any responsibility for domestic violence toward a Muslim. Religion is not the sole culprit of either attitudes or practices that promote domestic violence; the responsibility lies also with the “patriarchal ideologies” that shape society (Douki 2003, 170).

Shari’a law similarly lays the groundwork for translating Muslim faith into behavioral standards and expectations for men and women. Unfortunately, as Hajjar states, “in many contexts [Shari’a] provides a potent justification for states to deny or limit women’s rights” (Hajjar 2006, 32). For example, Shar’ia legislation in northern Nigeria discriminates against women in two ways. In a trial, a woman’s testimony is given only half the weight of a man’s testimony and the standards of evidence required in cases of *zina*—adultery and fornication—also favor men (HRW 2004, 65-6). For instance, according to Shari’a penal codes in northern Nigeria, pregnancy serves as sufficient evidence to convict a woman of adultery, in that if a woman is pregnant but unmarried, she is deemed to have committed *zina*, including in cases of rape. On the other hand, four eyewitnesses are required to convict a man of the same crime; that is, a man will not be convicted of committing *zina* unless four other men witness the act. This latter proof is “usually impossible to obtain, and has not been obtained in any of the cases which have arisen so far” (HRW 2004, 66).

Notwithstanding the distinctive roles of the Qur’an and Shari’a law in determining gender norms, domestic violence in Muslim societies still bears much in common with domestic violence in non-Muslim contexts. This similarity stems from the fact that domestic violence in Muslim and non-Muslim societies alike poses “common questions about the relationship among religion and culture, the state, and women’s rights” (Hajjar

2006, 12). It is important, however, not to generalize based on these shared characteristics of domestic violence around the world. Rather, differences must be scrutinized so as to best deal with domestic violence in a contextually relevant manner.

One form of domestic violence that is more common in Muslim societies is the “honor crime,” which refers to violence perpetrated largely against women and girls by their relatives in the name of family honor. These crimes are typically committed in response to a woman’s sexual behavior, which can include being the victim of rape. Honor killings are illegal in Turkey but have numbered at over 200 in most recent years, and doubled in certain cities including Istanbul (Prime Ministry 2007, 37). Moreover, since changes to the penal code in 2005 gave mandatory life sentences to honor killers, the number of female suicides – many of them forced – has drastically increased (Bilefsky 2006). This indicates that these changes to the penal code may in fact be exacerbating the problem of honor crimes by inadvertently encouraging their distortion and disguise, from murder to suicide, in such a way that honor crimes can continue to reside freely within the private sphere of domestic life, beyond the reach of legislative restraints.

Turkey and Gender

Inspired by Western Enlightenment and “modernization”, Turkey’s founding father Mustafa Kemal Atatürk attempted to reform women and gender issues in the 1920s and shift the public perception of gender and women’s rights. Nevertheless, while these public calls for equality were made, inequality within the privacy of family homes was maintained (Kardam 2005, 40). In the 1926 Civil Code exemplifying Atatürk’s supposedly democratic reforms, the rights given to women were more representative of a move towards secularism and away from Islam than of a move towards gender equality, individual human rights, or democracy (Kardam 2005, 53). Thus, the normative societal expectations of wives and mothers did not dissipate with the enactment of the code, which called for “equality” between men and women while simultaneously “defining the male as the ‘head’ of the family” (Kardam 2005, 41).

The 1980s was a pivotal time for societal change pertaining to gender. Turkey experienced this decade with a move toward economic liberalization and democracy, and a surge of feminist and women’s rights movements (Kardam 2005, 43). During this time, Turkish women of different socioeconomic backgrounds united in their opposition to domestic violence the way women’s rights advocates in other countries (primarily

in the West) organized for abortion rights, which Turkish women already enjoyed (Arat 1998, 119).

Initial efforts of the 1980s women's movement aimed at raising public awareness of the violence and discrimination women were encountering in the private sphere. On Mother's Day of 1987, activists organized a public campaign against gender-based violence. The slogan that demonstrators displayed drew attention to the hypocrisy and counterintuitive nature of domestic violence: *Do you love your mother and beat up your wife?* (Kardam 2005, 45). Various forms of violence to which women were constantly subjected started being discussed in the public realm—domestic violence, harassment, assault, rape, and honor killings (Kardam 2005, 45). As the movement grew stronger it also grew broader. Women's groups diversified and began to split along political ideologies, education levels, goals, and their preferred types of organization (Kardam 2005, 45). As the issue of domestic violence entered public debate, activists realized their power and potential to influence state policy through increased public discourse and the visibility of women's rights issues. Their efforts convinced the Turkish state to pay more attention to the demands of women's rights advocates. Indeed, as these domestic efforts took place, Turkey was participating in international movements on gender equality. Despite domestic opposition, Turkey committed to uphold new international standards promoting women's rights, as detailed in the following instruments:

- Convention on the Elimination of all forms of Discrimination against Women (CEDAW), 1979 (ratified by Turkey in 1986)
- Vienna Declaration and Program of Action, 1993
- Declaration on the Elimination of Violence Against Women, 1993
- Platform for Action of the Fourth World Conference on Women in Beijing, 1995
- Optional Protocol to CEDAW, 1999 (ratified by Turkey in 2002)

These mechanisms established Turkey's obligation to address violence against women through national policies and legislation. The Optional Protocol goes even further by allowing individuals to bring systematic violations of women's human rights to the attention of the CEDAW Committee.

United Nations Development Program (UNDP) indicators can serve

as a means of contextualizing Turkey's current status concerning gender in comparison with other countries. Owing to the different ways in which development impacts men and women, UNDP began in 1995 to calculate a Gender-related Development Index (GDI), which accounts for the inequalities in achievement between women and men. Turkey's GDI value in 2008 was worse than that of 111 countries out of the 156 countries for which data is available (UNDP). Another indicator, the Gender Empowerment Measure (GEM) "reveals whether women take an active part in economic and political life" (UNDP). Turkey's GEM value ranked 90th out of 93 countries in 2008 (UNDP). These indicators reflect that gender equality in Turkey remains a concept not yet actualized. Turkey ranks higher than some other predominantly Muslim countries, like Indonesia, Bangladesh, Tunisia, and Pakistan, but continues to lag behind most European countries (UNDP).

An additional measure of gender equality shows Turkey consistently ranking below even the lowest ranking European countries. According to the World Economic Forum's 2007 Global Gender Gap Report, Turkey ranked 121st out of 128 countries, and displayed "below average performance on all four sub indexes: 118 on economic participation and opportunity, 110 on educational attainment, 87 on health and survival and 108 on political empowerment" (WEF).

Turkey and Domestic Violence

Because of the unreliable data it is difficult to know precisely how many women in Turkey have experienced domestic violence. For reasons including safety, shame, fear, and lack of awareness, domestic violence often goes unreported. Compounded by the frequent misreporting of law enforcement officials and the lack of formalized data management, the data available are often under-representative of domestic violence's pervasiveness. Nevertheless, studies show a consistently bleak picture of the extent to which domestic violence permeates the lives of Turkish women:

- It is estimated that between one-third and one-half of women in Turkey have been physically victimized by family members (AI 2004, 4).
- Amnesty International cites a survey by *Mor Çati*, the Purple Roof Foundation in Turkey, showing that between 1990 and 1996, 88.2 percent of 1,259 women "lived in an environment of violence and that 68 percent were hit by their husbands" (AI 2004, 4).
- The 2006 U.S. Department of State Human Rights Report on Turkey

states that “women’s NGOs reported that more than 150,000 women were victims of domestic violence between 2001-2005” (U.S. Department of State).

- A 2003 study by Istanbul Bilgi University found that 31.5 percent of women in Turkey were beaten by their husbands (SVAW).

LAW 4320 ON THE PROTECTION OF THE FAMILY

Unfortunately, most countries with predominantly Muslim populations do not have legislation in place to protect women from domestic violence. In the last decade, however, increased emphasis has been placed on the need for nations to adopt comprehensive legislation to end gender-based violence, including domestic violence. The UN Secretary General has repeatedly pressed UN member countries to follow through on the commitments they made at the 1995 Beijing World Conference on Women. There, 189 countries adopted the Beijing Platform for Action, pledging to develop national programming to end violence against women. As of 2003, marital rape was considered a crime in 50 countries, at least 45 countries had legislation against domestic violence, 21 countries were drafting such laws, and others were amending criminal assault laws to include domestic violence (UNIFEM 2003, 39).

Therefore, when Turkey enacted Law 4320 on January 17, 1998, it set a cutting-edge precedent for itself and for many other countries. This was the first piece of Turkish legislation that formally made a “private matter ‘public’” (Kardam 2005, 121). This law is intended to protect the person being abused, primarily through the issue of a protection order. While the law is not intended for punishing the perpetrator of the violence, its enactment nonetheless represent a significant change from previous legislation, which offered no recourse for women being victimized by their relatives and, on the contrary, would generally hold the woman responsible for provoking the violence.

Based on this legal reform, a person being abused by his or her spouse can file for a protection order. So too can a relative or friend on behalf of the victim. This protection order can be requested directly from the office of the public prosecutor. Upon receiving the request, a judge issues the protection order, which bans the perpetrator from the victim’s vicinity for six months. Any person found violating the protection order can be jailed (WWHR). Amendments made in 2007 expanded the definition of perpetrators and made separated couples eligible for protection under Law 4320.

The passage of Law 4320 was a tremendous feat for the government and people of Turkey. Despite various obstacles, significant incentives from the international and domestic arenas ensured the enactment of Law 4320. The possibility of EU membership, for example, played a major role in encouraging the enactment and implementation of Turkey's law against domestic violence. The EU Commission published its first report in 1998, after Law 4320 was enacted. This report "criticized the fact that there [were] still no explicit provisions for dealing with violence towards women in marriage in the Criminal Code" (Gündüz 2004, 130). In each subsequent report, the Commission critiqued the continuing gender disparity in Turkey and the fact that domestic violence remained widespread over five years after the law's enactment (Gündüz 2004, 132). As Turkey continues striving for EU membership, gender issues like domestic violence will play a vital role in determining Turkey's EU accession.

Domestically, women's rights activists lobbied for 20 years trying to pass Law 4320. Women's NGOs such as the Purple Roof Women's Shelter Foundation and the Altindas Women's Solidarity Foundation coordinated efforts to increase awareness of the campaign against domestic violence while the NGO Women for Women's Human Rights simultaneously worked on crafting the legal formulations that would inform this legislation (WWHR). These women's rights and gender activists took advantage of their increased exposure to the international human rights arena. Through participation at UN conferences, including those in Vienna and Beijing, activists learned effective lobbying and advocacy skills that were then utilized in persuading their own government. Local NGOs likewise entered into global debates through these UN conferences.

Turkey's former Minister of Women's Affairs, Isilay Saygin, was part of the Turkish delegation that presented Turkey's first country report to the CEDAW committee in 1997 and was confronted with the need for the government of Turkey to take some sort of action on domestic violence. Saygin thus worked on the first drafting of a bill to prevent domestic violence (Kardam 2005, 120). This bill was not passed but played a role in securing a spot on the national political agenda for gender-based violence. Saygin's support was especially significant as she had the advantage of working within the government and not merely influencing from the outside.

IMPLEMENTATION OF LAW 4320 ON THE PROTECTION OF THE FAMILY

The absence of systematic, reliable data complicates any attempt to determine the extent of changes in the prevalence of domestic violence in

Turkey since the passage of Law 4320. Nevertheless, it seems that despite the positive implications for women's rights owing to the law's passage in Turkey, and despite the law's limitations in terms of punitive measures against perpetrators, the benefits have thus far been limited by a failure to actually implement the law (Kardam 2005, 79). Indeed, in the recent domestic violence case *Opuz v. Turkey* the European Court of Human Rights ruled against Turkey precisely because Law 4320 had been inadequately implemented. The Court found Turkey guilty of gender discrimination insofar as "domestic violence affected mainly women and that the general and discriminatory judicial passivity in Turkey created a climate that was conducive to domestic violence" (*Opuz v. Turkey* 2009, 48). The poor implementation of Law 4320 was thus found to be a negligence of Turkey's obligations under international law.

Among the reasons Law 4320 is not implemented are the social and economic pressures women face to stay with their husbands, despite abuse. Women in situations of domestic violence are often encouraged to forgive their abusive husbands rather than seek legal protection, "in order to protect their children and their home" (Douki 2003, 168). To avoid being "blamed for undermining family stability and unity," along with "the risk of facing social isolation and ostracism," women often refrain from reporting marital violence to the relevant authorities (Douki 2003, 168). Lesser access to employment outside the home and the ensuing limited economic independence can also make women more reliant on their abusive husbands and less willing to leave a violent situation.

When these women are bold enough to defy social convention by registering a complaint, their efforts are often in vain as they will frequently be "turned away and advised, or pressured, by the police to reconcile with their abusive spouses" (Douki 2003, 168). Moreover, "if a suspect denies a woman's complaint of rape or other abuse, prosecutors or the police often drop the case without further investigation," leaving the woman unprotected, even when she is at risk of being killed by her partner (AI 2004, 19). Police officers, like other members of society who put pressure on abused women, sometimes see their responsibility as encouraging women to return to their husbands instead of providing protection from abuse (AI 2004, 20). A lack of trust in security and police forces understandably arises from these occurrences, further limiting women's incentive to take advantage of the law (AI 2004, 31; Kardam 2005, 130).

Language can also play a role in the law's implementation, as non-Turkish speaking women may have a more difficult time accessing legal services and filing complaints. Indeed, it is in the southeastern predominantly Kurdish

region of Turkey that implementation of Law 4320 has been strikingly weak and that crimes against women often go unpunished (AI 2004). It is unclear whether this is a result of language barriers, ethnic discrimination, or both. Additional obstacles include the public's unfamiliarity with the law and insufficient access to legal resources (AI 2004, 31; Kardam 2005, 130).

Better implementation of Law 4320 is necessary for the following three reasons, among others. First, Turkey made the commitment to uphold the tenets of several international treaties, declarations, and mechanisms that deal with violence against women. In ratifying these instruments, Turkey acknowledged that domestic violence is a violation of human rights. Additionally, the Declaration on the Elimination of Violence against Women, to which Turkey is a party, states:

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women.

It is in Turkey's interest to learn from the *Opuz v. Turkey* decision and abide by its international and domestic legal obligations. By upholding these commitments Turkey maintains its reputation in the international arena and comes closer to meeting the requirements for EU membership, for which it has been striving for over a decade.

Secondly, Turkey must consider the link between domestic violence and economic development. Studies have demonstrated that countries that "suppress women are likely to stagnate economically, fail to develop democratic institutions, and become more prone to extremism" (Coleman 2004, 81). Additionally, "women affected by violence have been found to earn less and to be more likely to have periods of unemployment and high job turnover" (AI 2004, 14). The high percentage of Turkish women living in a violent environment makes this a particularly relevant issue concerning Turkey's economic development. Family income has also been tied to forced marriage, such that women and girls with lower family incomes and levels of education are more likely to be forced into marriages. Forced marriages leave women more vulnerable to unequal status within the family and therefore abuse. As stated in the Declaration on the Elimination of Violence against Women, violence against women is a "manifestation of historically unequal power relations between men and women" (UN 1993), supporting the notion that forced marriages play a critical role in

perpetuating the cycle of poverty and violence in Turkey.

Thirdly, the public health implications of failing to protect women from domestic violence are severe. In developing as well as developed countries, serious public health problems are associated with domestic violence, including symptoms of psychiatric illness (Douki 2003, 166). There is, in fact, “a systematic underrating of the health consequences and the traumatic injuries” resulting from domestic violence (Douki 2003, 169), which can include “being killed, driven to suicide ... suffering depression, chronic pain, psychosomatic disorders, reproductive health problems, unwanted pregnancies, sexually transmitted diseases, or other illness” (AI 2004, 10). As per the aforementioned increase in suicides in Turkey, the UN Special Rapporteur for Violence Against Women confirmed the role that traditional practices, including domestic violence, play in the heightened number of female suicides in the southeastern and eastern parts of the country (UN 2006). Moreover, the future consequences on the victims or the witnesses of domestic violence, often children, are also severe. The effects on children of witnessing violence can be as damaging as the effects on mothers of actually experiencing the violence. Amnesty International notes that in 2002 the Council of Europe adopted a recommendation “declaring violence against women to be a public and political problem and a major cause of death and disability for women aged between 16 and 44 years” (AI 2004, 10). This problem should be a matter of concern to Turkey.

POLICY RECOMMENDATIONS

Given the need for Turkey to improve implementation of its domestic violence law and to continue working towards the elimination of violence against women, appropriate actions must be taken. A prerequisite for these actions to take place is the political will on the part of the government to end domestic violence. The following recommendations, in conjunction with said political will, are relevant for the improved implementation of Turkey’s Law 4320 on the Protection of the Family:

1. **Trainings for law enforcement officials.** The government of Turkey should allot adequate funding and resources to train all relevant law enforcement officials on Law 4320 to promote consistent application of the law throughout the country. In addition to Law 4320 and the dynamics of domestic violence, these trainings should address rape, honor crimes, and gender equality. They should be targeted at public prosecutors, police officers, judges, and other law enforcement authorities. The National Action Plan to Combat Domestic Violence includes this type of training

but has thus far reached only 40,000 law enforcement officials (Republic of Türkiye Prime Ministry), which is wholly insufficient. These trainings should be systematically monitored and evaluated to ensure that they are actually effective at improving the implementation and enforcement of Law 4320.

2. **Trainings for health care and education providers.** Health workers are often the first to learn of domestic violence situations and are in a unique position to inform women of their legal rights. In addition to these workers, primary and secondary school teachers should be required to receive trainings on gender, domestic violence, and Law 4320. Both health care workers as well as teachers are in a strategic position to reach wide sectors of society, thereby raising awareness and improving understanding of Law 4320 and its implications. Through their constant interaction with women and children, health workers and teachers can help ensure that women receive accurate guidance toward the services they need. It has been demonstrated that “cultural factors [that contribute towards the prevalence of domestic violence] may be changed by information, sensitization and education” (Douki 2003, 170). It is precisely through health workers and teachers that this information, sensitization, and education can most effectively be transferred to a broader audience.
3. **Data collection and research.** The government of Turkey should maintain a national database on domestic violence cases that disaggregates data by gender, age, and ethnicity, to ensure that measures to address domestic violence are suited to Turkey’s specific circumstances. This systematic tracking of domestic violence complaints, protection orders granted, and protection orders violated should be accompanied by careful monitoring and evaluation of Law 4320’s implementation and all relevant interventions. This kind of research is necessary to determine any changes in domestic violence in Turkey and to determine which mechanisms are most effective for the prevention and reduction of domestic violence.
4. **Shelters.** There are currently insufficient shelters in Turkey. Women in situations of domestic violence are often in the greatest danger at the time when separation from their abuser might occur. Shelters are particularly needed in Turkey since the filing of a complaint against an abuser results only in a protection order, which can be difficult to enforce and is only valid for six months. If an abusive husband so chooses, he can easily disregard a protection order and seek revenge on his wife. Shelters offer the possibil-

ity of a safe space in which women can find refuge and, ideally, support. Without access to shelters, victims of domestic violence remain in danger at a location the abuser knows how to find. Amnesty International states that “women in Turkey want shelters,” citing a study in which “26 percent of the women questioned had been beaten by their fathers and 33 percent by their husbands, [and] 91 percent said that they would have liked to find shelter with a social foundation” (AI 2004, 21). According to Municipal Law 5257, enacted in 2005, municipalities with over 50,000 inhabitants are required to provide protective shelter for women and children in need (Republic of Türkiye Prime Ministry 2007, 16). Turkey recently boasted a total of 40 shelters (Republic of Türkiye Prime Ministry 2007, 16)—far from enough for its population of 70.5 million (U.S. Dept. of State). These shelters must be accessible to all women who are being abused or are in danger of being abused, regardless of ethnicity, language, or other distinguishing feature.

- 5. Collaboration between the government and civil society.** Carrying out the aforementioned recommendations and maximizing their effectiveness requires the support and cooperation of all sectors of Turkish society. Oftentimes domestic violence interventions are allowed to fail for lack of public support. Moreover, limited funding and resources diminish the ability of any group to implement and manage all necessary domestic violence interventions on its own. It is essential that this outcome be avoided through the collaboration of the public sector and civil society. The UN recognizes that some of the best practices in preventing domestic violence are inter-agency efforts that combine the expertise of various bodies. Turkey has an active women’s rights movement, spearheaded by organizations like Women for Women’s Human Rights (WWHR). While these civil society organizations should (and do) play a key role in domestic violence prevention, they must be supported and accompanied by government efforts to effectively reach all actors involved in the implementation of Law 4320.

CONCLUSION

As one of the few predominantly Muslim countries to have passed legislation on domestic violence, Turkey's approach toward gender equality offers an interesting and useful guide for how legal reform can occur despite various types of opposition. The role that religion, in this case Islam, plays in a society's laws and norms is not insubstantial. Nonetheless, various factors shape a society, and to reach a comprehensive understanding of the driving forces behind societal attitudes and behaviors, such as those concerning domestic violence, it is imperative to examine them all. This information can lead to a clearer sense of why some countries achieve certain change, like Turkey's enactment of Law 4320, while others do not.

As this article has demonstrated, despite the enactment of Law 4320 domestic violence remains a serious problem in Turkey. Turkey's experience illustrates the need for governments to be committed to the implementation of laws in order for the laws to be implemented appropriately. Radhika Coomaraswamy, the first UN Rapporteur on Violence against Women asserts that the emphasis should now be on identifying innovative strategies for effective implementation of laws around the world, which in Turkey means demonstrating the compatibility of culture and religion with the global human rights of women (Kardam 2005, 111). The aforementioned recommendations attempt to identify nuanced solutions to the interrelated factors that contribute to the law's weak implementation and the consequential perpetuation of domestic violence in Turkey.

Additionally, Turkey's experience offers three significant lessons to the dozens of countries that are currently crafting domestic violence legislation and the dozens that have yet to begin. First, Turkey's Law 4320 sets an important precedent for progressive women's rights legislation being adopted in Muslim societies. Turkey's rising prominence internationally and its improving reputation in the Muslim world make its policy choices more influential than many other countries' at this point in time (Fuller 2008, 177). For this reason, it is vital that the precedent set by Turkey not be one of progressive legislation without implementation. Second, civil societies that aim to have domestic violence legislation enacted in their countries can learn from the persistent lobbying efforts of women's groups, like WWHR and the Purple Roof Foundation, to secure the adoption of Law 4320. Indeed, these kinds of collaborative initiatives by NGOs have been vital to many countries in getting legislation passed. Lastly, the obstacles that Turkey is facing with the implementation of Law 4320—such as lack of awareness, access to legal services, availability of shelters, and training of

law enforcement—will likely be similar to those other countries encounter. Therefore, countries currently drafting domestic violence legislation can preempt these challenges by including mechanisms in their legislation to specifically address those obstacles to implementation. Indeed, it will be through the international community examining how countries like Turkey have responded to domestic violence with legislation, and learning from their shortcomings and successes that real progress will be made towards advancing women's rights and finally ending domestic violence.

NOTES

¹ Domestic violence has myriad definitions. This article largely focuses on intimate partner violence between a husband and wife because that is how Law 4320 originally defined domestic violence. Owing to the differing definitions and foci of the organizations and researchers working in this arena, and the unreliable data that exist regarding domestic violence, it is impossible to fully disaggregate the various forms of domestic violence referred to in this article. Nevertheless, there are many shared characteristics of all forms of gender-based and domestic violence that can increase our understanding of Turkey's social, cultural, and legal dynamics.

² This is not to say that domestic violence is more common in Muslim societies than in the rest of the world. As many studies indicate this is not the case at all. Rather, one aim of this article is to identify features of domestic violence particular to Muslim societies. While the end results of violence may be similar across countries, attaining a better understanding of the factors that lead to domestic violence in a specific state can result in more nuanced and effective measures of prevention and protection.

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